

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA

IN RE:

GLENN ROYCE FAVRE,

Debtor

## CHAPTER 7

BK Case No. 08-85264-mhm

Discharged; Case Closed

GLENN ROYCE FAVRE,

Claimant,

VS.

JOHN MACKLIN and  
THE MACKLIN FAMILY TRUST,

Defendants.

Honorable Margaret Murphy

AP Case No. 09-9071

**DEFENDANTS' JOHN MACKLIN AND THE MACKLIN FAMILY TRUST**  
**MOTION TO DISMISS ADVERSARY PROCEEDING**

COME NOW, John Macklin and The Macklin Family Trust (collectively the “Defendants”), by and through their undersigned counsel, by special limited appearance and preserving all defenses, respectfully move this court for an order, dismissing the pleading filed by Glenn Royce Favor (the “Claimant”) entitled “Complaint against John Macklin, The Macklin Family Trust” (the “Complaint”) under the above referenced adversary proceeding on the grounds that:

- i. This Court does not have jurisdiction in Glenn Favre v. John Macklin and The Macklin Family Trust in Civil Action No. 09-9071 (the “AP Action”) because the Claimant’s underlying bankruptcy action case In Re: Glenn Favre in Civil Action No. 08-85264-mhm (the “Bankruptcy Action”) was closed on April 7, 2009, while the AP Action was not filed under October 16, 2009;

- ii. Claimant failed to serve either John Macklin or The Macklin Family Trust with the AP Action;
- iii. Claimant now has pending in the state courts of Fulton County identical actions for the recovery of the claims asserted in the AP Action;
- iv. The Bankruptcy Trustee in Claimant's Bankruptcy Action abandoned the claim asserted by Claimant in the AP Action; and
- v. Claimant's claim (if any) belongs to Claimant's corporation (to wit: "Top to Bottom Renovations, LLC") and not Claimant individually.

This Motion is based upon the:

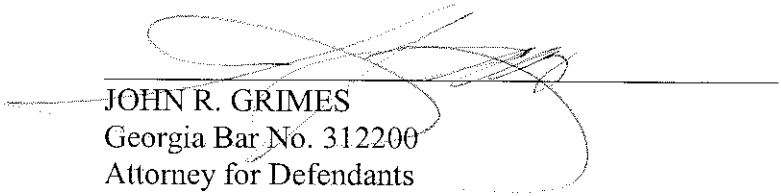
- 1. Pleadings and Bankruptcy Court Records filed In Re: Glenn Favre in Case No. 08-85264-mhm;
- 2. Bankruptcy Order dated April 7, 2009, granting Claimant a discharge and ***closing*** the Bankruptcy Action (copy attached as Exhibit "A");
- 3. Copy of the Complaint filed in re: Top to Bottom Renovations, LLC v. John Macklin and The Macklin Family Trust, Fulton County State Court, Civil Action File No. 08-VS-149195J (attached as Exhibit "B");
- 4. Copy of the Complaint filed in re: Glenn Favre v. The Macklin Family Trust, Fulton County Magistrate Court, Civil Action File No. 08-MS-084709 (attached as Exhibit "C"); and
- 5. Certified copy of the Articles of Organization for Top to Bottom Renovations, LLC (attached as Exhibit "D").
- 6. Original Summons of AP Action mailed to John R. Grimes, Esq. (attached as Exhibit "E").

In support of this Motion, the Defendants submit herewith their brief containing argument and citation of authorities.

WHEREFORE, Defendants John Macklin and The Macklin Family Trust pray that their Motion be granted and that the above styled adversary proceeding be dismissed and that Defendants have such other and further relief as is just and proper.

This 25 day of November, 2009.

LEFKOFF, DUNCAN, GRIMES,  
MILLER, & McSWAIN P.C.



JOHN R. GRIMES  
Georgia Bar No. 312200  
Attorney for Defendants

3495 Piedmont Road  
Eleven Piedmont Center, Suite 806  
Atlanta, Georgia 30305  
(404) 262-2000

UNITED STATES BANKRUPTCY COURT

Northern District of Georgia

In Re: Debtor(s)

**Glenn Royce Favre**  
110 South Columbia Drive  
#11  
Decatur, GA 30030

Case No.: **08-85264-mhm**

Chapter: **7**

Judge: **Margaret Murphy**

xxx-xx-8670

**DISCHARGE OF DEBTOR(S) WITH ORDER APPROVING TRUSTEE'S REPORT OF NO  
DISTRIBUTION, CLOSING ESTATE AND DISCHARGING TRUSTEE**

It appearing that the debtor is entitled to a discharge, **IT IS ORDERED:** The debtor is granted a discharge under section 727 of title 11, United States Bankruptcy Code, (the Bankruptcy Code).

It further appears that the trustee in the above-entitled case has filed a report of no distribution and said Trustee has performed all other and further duties required in the administration of said estate; accordingly, it is hereby

**ORDERED** that the said estate is closed; that the Trustee is discharged from and relieved of said trust.

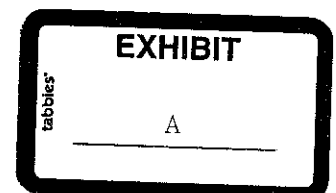


Margaret Murphy  
United States Bankruptcy Judge

Dated: April 7, 2009

Form 182

**SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION  
REGARDING THE BANKRUPTCY DISCHARGE IN A CHAPTER 7 CASE**



**EXPLANATION OF BANKRUPTCY DISCHARGE  
IN A CHAPTER 7 CASE**

This court order grants a discharge to the person named as the debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

**Collection of Discharged Debts Prohibited**

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a discharged debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. *[In a case involving community property:]* [There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.]

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

**Debts That are Discharged**

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

**Debts that are Not Discharged.**

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

- a. Debts for most taxes;
- b. Debts that are in the nature of alimony, maintenance, or support;
- c. Debts for most student loans;
- d. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- e. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle while intoxicated;
- f. Some debts which were not properly listed by the debtor;
- g. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;
- h. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts.

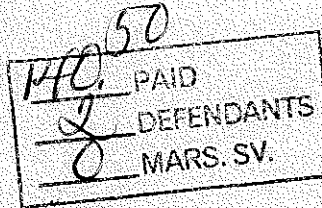
**This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.**



OCT 24 2008 DO NOT WRITE IN THIS SPACE

GEORGIA  
FULTON COUNTY

STATE COURT OF FULTON COUNTY  
(Civil Division)



08VS149195J

Top to Bottom Renovations, LLC,

**RUSH**

(Plaintiff's Name and Address)  
vs.

John Macklin  
John H. Macklin Family Trust  
57 Cranley Street, Atlanta, GA 30312  
(Defendant's Name and Address)

**SUMMONS**

TYPE OF SUIT		AMOUNT OF SUIT	
<input type="checkbox"/> Account	Principal	\$	<u>2600.00</u>
<input checked="" type="checkbox"/> Contract	Interest	\$	
<input type="checkbox"/> Note	Atty. Fees	\$	
<input type="checkbox"/> Tort	Ct. Costs	\$	
<input type="checkbox"/> Trover			
<input type="checkbox"/> Special Lien			
<input type="checkbox"/> Foreign Judgment			
<input type="checkbox"/> Personal Injury			

**TO THE ABOVE NAMED-DEFENDANT:**

You are hereby required to file with the Clerk of said court and to serve a copy on the Plaintiff's Attorney, or on Plaintiff if no Attorney, to-wit:

W. Anthony Collins, Jr.  
(Name)  
1827 Powers Ferry Rd 7-350  
(Address)  
Atlanta, GA 30339  
(Phone No.) 678-370-0084

☒ NEW FILING

☐ REFILING

PREVIOUS CASE NO. \_\_\_\_\_

an answer to the complaint which is herewith served on you, within (30) days after service on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint, plus cost of this action.

This 10/24/08

[Signature]  
Deputy Clerk

**WRITE VERDICT HERE**

We, the jury, find for \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Foreperson

(Staple to front of ORIGINAL complaint)

**EXHIBIT**

B

## General Civil Case Filing Information Form (Non-Domestic)

Court

☐ Superior

☒ State

County

Fulton

Date Filed

10-24-2008

MM-DD-YYYY

Docket #

Plaintiff(s)

Top Bottom Renovations LLC  
Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

No. of Plaintiffs

1

Defendant(s)

MACKLIN JOHN  
Last First Middle I. Suffix Prefix Maiden

JOHN H. MACKLIN FAMILY TRUST  
Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

No. of Defendants

2

Plaintiff/Petitioner's Attorney

☐ Pro Se

Collins W. Anthony Jr.  
Last First Middle I. Suffix

Bar #

141712

### Check Primary Type (Check only ONE)

☒ Contract/Account

☐ Wills/Estate

☐ Real Property

☐ Dispossessory/Distress

☐ Personal Property

☐ Equity

☐ Habeas Corpus

☐ Appeals, Reviews

☐ Post Judgment Garnishment, Attachment, or Other Relief

☐ Non-Domestic Contempt

☐ Tort (If tort, fill in right column)

☐ Other General Civil Specify \_\_\_\_\_

### If Tort is Case Type:

(Check no more than TWO)

☐ Auto Accident

☐ Premises Liability

☐ Medical Malpractice

☐ Other Professional Negligence

☐ Product Liability

☐ Other Specify \_\_\_\_\_

Are Punitive Damages Pleaded? ☐ Yes ☐ No

**IN THE STATE COURT OF FULTON COUNTY**  
**STATE OF GEORGIA**

Top to Bottom Renovations, LLC, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
John Macklin; )  
John H. Macklin Family Trust )  
 )  
Defendants. )  
\_\_\_\_\_ )

CASE NO. \_\_\_\_\_

**COMPLAINT**

Plaintiff, Top to Bottom Renovations, LLC ("Plaintiff") hereby files this Complaint for breach of contract, quantum meruit and unjust enrichment, against Defendants John Macklin and the John H. Macklin Family Trust ("Defendants"), alleging as follows:

**PARTIES**

1.

Plaintiff is an entity organized under the laws of the State of Georgia, which resides in Fulton County.

2.

Defendant John Macklin is an individual residing in the State of Georgia in Fulton County, 57 Crumley Street, Atlanta, GA 30312.

3.



Defendant John H. Macklin Family Trust is an entity organized under the laws of the State of Georgia and may be served via Effie Smith-Macklin, as trustee of the John H. Macklin Family Trust, 57 Crumley Street, Atlanta, GA 30312.

#### JURISDICTION

4.

Jurisdiction and venue are proper in this Court under the facts and circumstances set forth herein which include Defendant's residence within Fulton County.

#### FACTS AND ALLEGATIONS

5.

Defendant and Plaintiff entered into a contract whereby Defendant sought home renovation services to his property.

6.

Plaintiff subsequently provided these services to Defendant.

7.

Defendant received the benefits and a bill for the services provided, but failed and refused to pay.

8.

Plaintiff contacted Defendant on several occasions, requesting payment for the services provided.

9.

Defendant failed and refused to pay these sums.

10.

As a result, Plaintiff has been forced to retain counsel and bring this action.

COUNT ONE

(Breach of Contract)

11.

The allegations of the preceding paragraphs are repeated and incorporated herein as if set out in full.

12.

Plaintiff and Defendant had an agreement whereby Plaintiff would provide home renovation services in exchange for payment.

13.

Plaintiff performed all conditions necessary for payment.

14.

Defendant breached the contract by failing to pay sums owed, namely the bills for services provided in the amount of \$7,600.

15.

As a direct and proximate result of Defendant's breach, Plaintiff suffered damages in the amount of \$7,600 plus the legal rate of interest, as well as the fees and costs associated with bringing this suit.

COUNT TWO

(Quantum Meruit)

16.

The allegations of the preceding paragraphs are repeated and incorporated herein as if set out in full.

17.

Plaintiff rendered services valuable to Defendant in the past year.

18.

Defendant requested and voluntarily accepted these services, raising the implication of a promise to pay the reasonable value thereof.

19.

Defendant obtained Plaintiff's services without providing reasonable compensation for the services provided.

20.

Plaintiff is entitled to recover damages in the amount of the reasonable value of the services delivered.

21.

Defendants are liable for these damages, in an amount to be proven at trial.

### COUNT THREE

(Unjust enrichment)

22.

The allegations of the preceding paragraphs are repeated and incorporated herein as if set out in full.

23.

As a result of the actions described above, Defendant has been enriched at the expense of the Plaintiff.

24.

It would be unjust to allow Defendant to retain the unjust benefits received at the expense of Plaintiff as a result of this conduct.

25.

Therefore, Plaintiff is entitled to recover damages in an amount to be proven at trial that is equal to the benefits unjustly received by Defendant at its expense.

#### COUNT FOUR

(Bad Faith)

26.

The allegations of the preceding paragraphs are repeated and incorporated herein as if set out in full.

27.

The Defendant has acted in bad faith in refusing to pay for services rendered and for misleading Plaintiff as to alleged payments.

28.

The Defendant has been stubbornly litigious.

29.

The Defendant has caused the Plaintiff unnecessary trouble and expense.


30.

Pursuant to O.C.G.A. §13-6-11, Defendant is liable to Plaintiff for its attorney's fees.

WHEREFORE, Plaintiff requests that this Court:

- (a) grant Plaintiff a judgment against Defendant for breach of contract in an amount of \$7,600
- (b) or in the alternative, that this Court grant Plaintiff a judgment against Defendant for quantum meruit and unjust enrichment for damages in an amount to be proven at trial;
- (c) award prejudgment and post judgment interest; and
- (d) grant all other relief it deems just and necessary.

Respectfully submitted, this 23<sup>rd</sup> day of October, 2008.

  
Daniel J. Hoppe, Jr.  
Georgia Bar No. 366746  
W. Anthony Collins Jr.  
Georgia Bar No. 141712  
Attorney for Plaintiff

HOPPE COLLINS & OJEDA  
1827 Powers Ferry Road  
Suite 7-350  
Atlanta, GA 30339  
(678) 370-0084

JUL 21 2008

*Payee's*  
DEFENDANTS  
1 SVC

08ms084709

MAGISTRATE COURT OF FULTON COUNTY  
185 Central Ave., S.W., Suite TG700, Atlanta, GA 30303

DO NOT WRITE IN THIS SPACE

Glenn FARRE dba Top to Bottom Renovations  
1230 Peachtree St. S.E. #1900  
ATLANTA GA 30309

Plaintiff: Name, Street Address, City/State, Zip Code  
Telephone Number: (404) 822 3031

Versus

John Macklin Family TRUST  
51 Crumley St.  
ATLANTA GA 30312

Defendant: Name, Street Address, City/State, Zip Code

Plaintiff's Attorney Name/Address, Zip Code, Phone

STATEMENT OF CLAIM

Type of Suit: ☐ Account ☒ Contract ☐ Note ☐ Tort ☐ Trover ☐ Personal Injury

1. Defendant named resides in Fulton County and is subject to the jurisdiction of this Court.
2. Defendant is indebted to Plaintiff in the sums of \$7631.00 principal, \$\_\_\_\_\_, interest, \_\_\_\_\_ attorney fees and \$\_\_\_\_\_ cost to date as follows:

(State your claim here) ME. & MRS. Macklin Refuse to pay the Final INVOICE for work performed at 51 Crumley Atlanta GA 30312. Water Damage to the building that was under was not visible, caused the additional work to be conducted.

3. WHEREFORE, Plaintiff demands judgment against Defendant in the amounts as alleged in paragraph herein

STATE OF GEORGIA, FULTON COUNTY:

After being duly sworn on oath, says the foregoing is a just and true statement of the amounts owing by Defendant to Plaintiff, exclusive of all setoffs and just grounds of defense.

Sworn to and subscribed before me, this:

*V. Hurst*

Plaintiff's Signature

Deputy Clerk or Notary Public

SUMMONS

TO THE ABOVE-NAMED DEFENDANT:

You are hereby required to file with the Clerk of said Court and to serve a copy on Plaintiff or Plaintiff's Attorney, an answer to the complaint which is herewith served on you, within thirty (30) days after service on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint, plus cost of this action.

Your answer may be filed in writing or may be given orally (in person) to the Court. If you mail in your answer it must be notarized. Upon receipt of your answer a hearing date will be set and you will be notified by mail. At said hearing, bring your witnesses, books, receipts or other writings bearing on your claim or defense. Failure to appear at the time of hearing may result in judgment being entered against you.

SERVED: \_\_\_\_\_

Deputy Marshal

You may file an answer at one of these locations:  
185 Central Avenue, S.W., Room TG700  
North Annex: 7741 Roswell Road, Room 231  
South Annex: 5600 Stonewall-Tell Rd, Room 213

EXHIBIT

tabbles



MAGISTRATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

Glen Faure - Top to Bottom Lenses

VERSUS

John macklin Family Trust

57 Crumley St. S.E.

Atlanta, Ga 30312

DEFENDANT'S NAME & ADDRESS (INCLUDE ZIP CODE)

PHONE # (240) 381-6397

CIVIL ACTION #

08ms084709

FILED  
2009 AUG 10 PM 3:07  
CLERK OF  
FULTON COUNTY  
GEORGIA

ANSWER

and Counter Claim

Now comes the defendant Effie macklin-John macklin Family Trust and files this Answer and Defenses to the above-captioned suit, and in answer says as follows:

The contract has been paid in full. A copy of the contract, invoices and cancelled checks are enclosed. Mr. Faure is attempting to commit fraud against the John macklin Family trust and the court.

Counter claim for \$4000.00

Wherefore, defendant demands judgment dismissing plaintiff's complaint with all cost cast to plaintiff. and travel cost, inspection of property cost, new repairs incurred since contract

Effie Smith macklin  
DEFENDANT

SWORN TO & SUBSCRIBED BEFORE ME THIS

18 Aug 1908.

DEPUTY CLERK

CERTIFICATE OF SERVICE

This is to certify that I have this day served the opposing party in the foregoing matter with a copy of this pleading by depositing in the U. S. Mail a copy of same in a properly addressed envelope with adequate postage thereon.

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

DEFENDANT/DEFENDANT'S ATTORNEY/DEPUTY CLERK

IN THE MAGISTRATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

Glenn Favre  
PLAINTIFF

versus

Civil Action # 08MS084709

John Macklin Family  
DEFENDANT  
Trust

ORDER AND JUDGMENT

The above-styled case came on regularly for trial before the Magistrate Court.

<input type="checkbox"/> PLAINTIFF	<input checked="" type="checkbox"/> DEFENDANT	APPEARED PRO SE.
<input checked="" type="checkbox"/> PLAINTIFF	<input type="checkbox"/> DEFENDANT	FAILED TO APPEAR.
<input type="checkbox"/> PLAINTIFF	<input type="checkbox"/> DEFENDANT	APPEARED REPRESENTED BY COUNSEL.

FILED IN OFFICE  
2008 SEP 25 PM 4:09  
MARK HANDEL  
CLERK/STATE COURT OF  
FULTON COUNTY, GEORGIA

The Court after considering the evidence presented and the applicable law finds as follows:

**COMPLAINT:**

\_\_\_\_\_ For the Plaintiff and against the Defendant in the amount of \$ \_\_\_\_\_ principal,  
\$ \_\_\_\_\_ interest, \$ \_\_\_\_\_ attorney fees, plus cost of this action.  
\_\_\_\_\_ For the Defendant and against the Plaintiff. Plaintiff failed to prove claim.

**COUNTERCLAIM:**

\_\_\_\_\_ For the Plaintiff on Defendant's counterclaim.  
\_\_\_\_\_ For the Defendant on the counterclaim in the amount of  
\$ \_\_\_\_\_ principal, \$ \_\_\_\_\_ interest and \$ \_\_\_\_\_ attorney fees.

*Counterclaim voluntarily withdrawn.*

**DISMISSAL:**

The Court ~~ORDERS~~ that this case be DISMISSED ☐ WITH PREJUDICE ☒ WITHOUT PREJUDICE *Dwop*  
by reason of: ☒ Plaintiff failed to appear. Defendant appeared at 1:30 ~~AM~~ PM.

\_\_\_\_\_ Neither party appeared by \_\_\_\_\_ AM/PM.

\_\_\_\_\_ Settled before trial.

\_\_\_\_\_ Other: \_\_\_\_\_

So ORDERED, this 25 day of Sept, 2008

☐ TRIAL JUDGMENT  
☐ DEFAULT JUDGMENT

[Signature]  
JUDGE

MAGISTRATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

Top to Bottom Renovations, LLC,  
Glenn Fayer

110 S. Columbia Dr #11  
Decatur, GA 30030

PLAINTIFF'S NAME, COMPLETE ADDRESS & PHONE NO.

vs.

Civil Action File No.

08m 84709

John Martin & the Martin Family Trust  
57 Crumley St SE  
Atlanta GA 30312

DEFENDANT'S NAME, COMPLETE ADDRESS & PHONE NO.

FILED IN OFFICE  
NOV 26 PM 3:59  
CLERK/STATE COURT OF  
FULTON COUNTY, GEORGIA  
MARK HARRIS

MOTION TO VACATE AND SET ASIDE JUDGMENT OR DISMISSAL & AFFIDAVIT

Comes now the ☒ Plaintiff ☐ Defendant in the above-styled action and files this Motion to Vacate for the following reason(s): I had Anthony Collins as Counsel for this case  
and was not informed nor received notice.  
Hope Collins & OJAH 6783700084.

Personally appeared, Glenn Fayer, who after being duly sworn, states on oath that the above statement is true and correct.

Sworn to and subscribed to before me this

26 day of November, 2008.

[Signature] DEPUTY CLERK

[Signature]  
Plaintiff/Defendant Signature

CERTIFICATE OF SERVICE

This is to certify that I have this day served all parties in the foregoing matter with a copy of this pleading by depositing in the U. S. Mail a copy of the same in a properly addressed envelope with adequate postage thereon.

This 26 day of November, 2008

ORDER

The within and foregoing Motion and Affidavit, coming on regularly to be heard, is hereby: (CHECK ONE)

☐ GRANTED

☐ DENIED

So Ordered, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JUDGE, MAGISTRATE COURT OF FULTON COUNTY

**Secretary of State**  
**Corporations Division**  
**315 West Tower**  
**#2 Martin Luther King, Jr. Dr.**  
**Atlanta, Georgia 30334-1530**

CONTROL NUMBER: 0514017  
EFFECTIVE DATE: 02/18/2005  
JURISDICTION : GEORGIA  
REFERENCE : 0169  
PRINT DATE : 03/04/2005  
FORM NUMBER : 356

ANDRE KEITH SANDERS  
797 MORELAND AVE SE  
ATLANTA, GA 30316

**CERTIFICATE OF ORGANIZATION**

I, Cathy Cox, the Secretary of State of the State of Georgia, do hereby certify under the seal of my office that

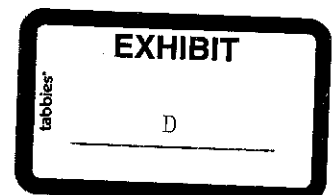
**TOP TO BOTTOM RENOVATIONS, LLC**  
**A GEORGIA LIMITED LIABILITY COMPANY**

has been duly organized under the laws of the State of Georgia on the effective date stated above by the filing of articles of organization in the Office of the Secretary of State and by the paying of fees as provided by Title 14 of the Official Code of Georgia Annotated.

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on the date set forth above.



Cathy Cox  
Secretary of State




**ARTICLES OF ORGANIZATION  
Of  
Top to Bottom Renovations, LLC**

**Article 1.**

The name of this limited liability company is **Top to Bottom Renovations, LLC**.

IN WITNESS THEREOF, the undersigned has executed these Articles of Organization.

This 9th day of January, 2005.

  
\_\_\_\_\_  
Andre Keith Sanders  
Attorney-in-Fact

RECEIVED BY STATE  
2005 FEB 18 10 3 28

B 250A (Rev. 4/01)

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF GEORGIA

In re Glenn Favre

Debtor

Bankruptcy Case No.

08 CA-85264-mhm

Plaintiff

Glenn Favre

Defendant

John Martin Family  
Trust

Adversary Proceeding No.

09-9071

SUMMONS IN AN ADVERSARY PROCEEDING

YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

729  
Address of Clerk

75 SPRING ST. SEW  
ATLANTA GA 30303

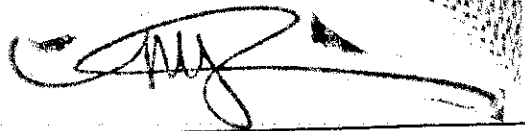
At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney

110 S. Columbia Dr #11  
Decatur GA 30030

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

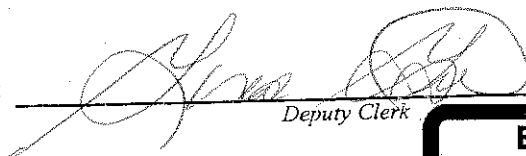


Clerk of the Bankruptcy Court

OCT 15 2009

Date

By:



Deputy Clerk

EXHIBIT

E



NORTHERN DISTRICT GEORGIA

GLENN ROYCE FAVRE,

Claimant,

-versus-

JOHN MACKLIN AND THE MACKLIN FAMILY TRUST  
Defendant,

Adversary Proceeding No: \_\_\_\_\_

Case No.: 08-85264 - mhm

Judge Honorable Margaret Murphy

09-9071

COMPLAINT

Glenn R Favre ("Plaintiff") hereby files this Complaint for Breach of Contract, quantum merit and unjust enrichment, against John Macklin and The Macklin Family Trust ("Defendant") alleging as follows:

PARTIES

1

Plaintiff is an individual under the protection of this Honorable Court and the rulings of the Honorable Judge Margaret Murphy, which resides in this Jurisdiction.

2

Defendant, John Macklin and the Macklin Family Trust is an entity residing in the State of Georgia in Fulton County, 57 Crumbley Ave, Atlanta Georgia 30302.

JURISDICTION

3

Jurisdiction and venue are proper in this court under the facts and circumstances set forth herein which include defendant's residence within the Northern District of Georgia.

4

OCT 16 2009 PM03:24

FILED  
IN CLERK'S OFFICE  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT  
OF GEORGIA  
REINA THOMAS,  
CLERK  
Margaret D. Ward  
DEPUTY CLERK

### **Promissory Estoppels**

Plaintiff claims an enforceable promise existed between the parties because plaintiff justifiably relied on a promise made by the defendant. The plaintiff has the burden of proving:

[1] John Macklin promised Glenn Favre that He would pay Glenn Favre for the repairs to Defendants home.

[2] Glenn Favre states that Defendant has not paid for the repairs to Defendant's home promised to Plaintiff.

[3] John Macklin expected or reasonably should have expected that the promise would cause Glenn Favre to become financially burdened when Plaintiff was not reimbursed for and in turn financing the repairs of Defendants home, where as causing the Plaintiff to file protection under 11 USC Chapter 7.

[4] Glenn Favre was damaged because He relied on John Macklin's promise. To date John Macklin refuses to pay the monies of the final invoice which represents the Plaintiff's expenses, labor and materials used in the repairs of Defendants home.

[6] As a result, the Plaintiff has had to retain counsel, file for protection under 11 USC Chapter 7, and this HONORABLE COURTS PROTECTION OF THE AUTOMATIC STAY 362 (b), forced to close his business, been foreclosed upon his primary residence, lost his personnel transportation, investments and all savings in an attempt to have the Defendant pay for what he promised.

[7] The Plaintiff's health has deteriorated because of the undue stress and the onset of Post Financial Traumatic Stress Disorder (PSFTD) and is unable to sustain gainful employment because of PSFTD.

**WHEREFORE**, Claimant requests and prays that this Honorable Court and that of the Honorable Margaret Murphy:

(a) grant Plaintiff a judgment against the Defendant for the amount fully allowed that this court deems just and necessary.

(b) grant Plaintiff a reversal of the voluntary petition of Claimants Chapter 7 filed December 9, 2008.

(c) grant all other relief deems just and necessary

(d) request that Defendant's litigious actions be forwarded to the Proper State and Federal authorities for Criminal Prosecution as the Honorable Judge Margaret Murphy deems proper.

Respectfully submitted this 16th day of October, 2009



Glenn R Favre Claimant

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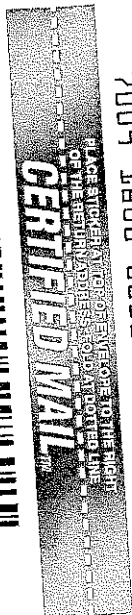


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